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REMARKS

Claims 1 – 28, and 43 – 47 are pending in the application. Claims 1, 13, 17, 18, and 22 have been cancelled, Claims 2, 11, 12, 14 – 16, 19 – 21, 23 – 28, and 43 have been amended, leaving Claims 2 – 12, 14 – 16, 19 – 28, and 43 – 47 for consideration upon entry of the present Amendment.

Claims 11, 12, 15, 16, 20, 21, 26, 27, and 28, were merely amended to place these claims in independent form.

Claims 2, 14, 19, and 23 – 25, were merely amended to correct their dependencies.

No new matter has been added. These amendments do not require additional search and better place the case in condition for allowance. Entrance of these amendments are respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,037,518 to Young et al. Claim 1 has been cancelled and Claim 2 depends from Claim 11, thereby rendering this rejection moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1 – 15, 17 – 20, 22 – 26, and 43 – 47 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,303,009 to Bossard. Claims 14, 19, and 23 – 25 all depend from claims identified in the Office Action as allowable, thereby rendering the rejections with respect to these claims moot. With respect to the remainder of the claims, Applicants respectfully traverse this rejection.

All of the remaining claims are directed to either an electrochemical cell system "wherein said processor and a non-volatile memory device are operably coupled to a remote computer, said remote computer is configured to provide said first operational parameter to said non-volatile memory" (Claims 1 – 12 and 43 – 47) or to a method of controlling a gas output from an electrochemical cell electrically connected to an electrical source comprising "providing said

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predetermined upper-value and said predetermined lower-value to said memory device from a remote computer" (Claims 20 and 26).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. Lewmar Marine Inc. v. Barient, Inc., 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

Bossard, however, does not teach or suggest a processor and/or a non-volatile memory device operably coupled to a remote computer as is claimed in the present application. Claim 11 provides a structural limitation that is not taught in Bossard. Hence, Bossard does not "teach[] all of the structure of the apparatus" and therefore fails to anticipate Claims 11 and 43, and Claims 2 – 10 and Claim 12, and Claims 44 – 47 that depend therefrom, respectively.

Additionally, Bossard fails to teach or suggest providing a predetermined upper-value and/or a predetermined lower-value to said memory device from a remote computer as is claimed in the present application. This operation is not conventional, and is not taught by Bossard. As such, Bossard fails to anticipate Claims 20 and 26.
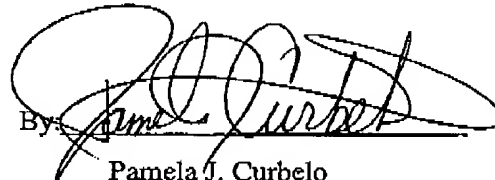
Considering that Bossard fails to teach a processor and/or a non-volatile memory device operably coupled to a remote computer, and fails to teach providing a predetermined upper-value and/or a predetermined lower-value to a memory device from a remote computer, Bossard fails to anticipate the present claims. Reconsideration and withdrawal of this rejection are respectfully requested.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should are allowable to Applicants. Accordingly, reconsideration and withdrawal of the rejections and allowance of the case are requested.

If there are any additional charges with respect to this Amendment after Final or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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